

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

DAVID GENE SPEARS,	§
	§
	§
VS.	§ CIVIL ACTION NO.4:08-CV-101-Y
	§
NATHANIEL QUARTERMAN, Director,	§
T.D.C.J., Correctional	§
Institutions Division,	§
Respondent.	§

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner David Gene Spears, along with the March 13, 2009, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until April 3, 2009, to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.¹

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the petition for writ of habeas corpus should be denied.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

¹The Court's mailing of the magistrate judge's report to David Gene Spears was returned stamped "Return to Sender--No Longer on Unit," but Spears has not updated his address of record with the Court. The address on file with the clerk of Court for petitioner Spears remains the same as when he filed the suit. Because Petitioner has failed to keep the Court apprised of his current address as required by the local rules, see N. D. Tex. Civ. R. 83.13 and 83.14, he has not responded to the March 13, report.

Petitioner David Gene Spears's petition for writ of habeas corpus under 28 U.S.C. § 2254 is DENIED.

SIGNED April 9, 2009.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE